

### **REMARKS**

This is a full and timely response to the final Office Action of September 28, 2004, and Advisory Action of December 22, 2004. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Third Response, claims 2-9, 11-17, 19-25, 27-46, and 49-59 are pending in this application. Claims 2-9, 11-15, 19-24, 27-31, 33, 34, 40-46, and 49-51 are directly amended herein, and claims 1, 10, 18, 26, 47, and 48 are canceled without prejudice or disclaimer. Further, claims 52-59 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

The cancellation of claims 1, 10, 18, 26, 47, and 48 serves to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of canceled claims 1, 10, 18, 26, 47, and 48 in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

### **Allowable Subject Matter**

Claims 6-9, 14-17, 22-25, 29-32, 34, 35, 43, and 49 have been indicated as allowable by the outstanding Advisory Action if such claims are rewritten to include the limitations of their respective base claims. New claim 52 includes features from allowable claim 6 and its respective independent claim 1 except that "pixel color parameter" has been changed to "editing parameter." It is believed that claim 52 is allowable for similar reasons that claim 6 is indicated as allowable by the Advisory Action. In addition, new claim 56 includes features from allowable claim 14 and its respective independent claim 10. It is believed that claim 56 is

allowable for similar reasons that claim 14 is indicated as allowable by the Advisory Action. Further, new claim 57 includes features from allowable claim 22 and its respective independent claim 18 except that “pixel color parameter” has been changed to “editing parameter.” It is believed that claim 57 is allowable for similar reasons that claim 22 is indicated as allowable by the Advisory Action. Also, new claim 59 includes features from allowable claim 29 and its respective independent claim 26. It is believed that claim 59 is allowable for similar reasons that claim 29 is indicated as allowable by the Advisory Action.

In addition, claim 7 has been amended herein to include the features of its respective base claim 1 except that “pixel color parameter” has been changed to “editing parameter.” Further, the phrase “in response to said user input” has been removed from pending claim 7. Claim 34 has been amended herein to include the features of its respective base claims 33 and 1 except that “pixel color parameter” has been changed to “editing parameter.” Claim 43 has been amended herein to include the features of its respective base claim 10, and claim 49 has been amended herein to include the features of its respective base claims 47 and 48. Accordingly, it is believed that claims 7, 34, 43, 49, 52, 56, 57, and 59 are allowable.


Further, each of the remaining claims depends from a respective one of the allowable claims 7, 34, 43, 49, 52, 56, 57, or 59. Therefore, the remaining claims are allowable as a matter of law. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### **CONCLUSION**

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this paper, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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